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September 10, 2009

VIA ECF AND FIRST CLASS MAIL

Honorable E. Thomas Boyle
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Higueros v. Fidelis Care, Inc.* 07 Civ. 0418

Dear Magistrate Judge Boyle:

As you know, we represent defendant New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York ("Fidelis"). Pursuant to Your Honor's Order, dated September 4, 2009, Fidelis respectfully submits the attached discovery requests served by Fidelis (Exhibits 1-2) and the corresponding interrogatory and document request responses served by the opt-in plaintiffs who Fidelis has not yet deposed in this matter (Exhibits 3-33):

Exhibit 1 - Defendant's First Set of Interrogatories to Opt-In Plaintiffs

Exhibit 2 - Defendant's First Request for the Production of Documents to Opt-In Plaintiffs

Exhibit 3 - Gerald Bayne's Discovery Responses

Exhibit 4 - Adelina Betances' Discovery Responses

Exhibit 5 - John Bowden's Discovery Responses

Exhibit 6 - Idris Bradley's Discovery Responses

Exhibit 7 - Jennifer Brown's Discovery Responses

Exhibit 8 - Carrie Butler's Discovery Responses

Exhibit 9 - Renee Butler's Discovery Responses

Exhibit 10 - Rosalinda Colon's Discovery Responses

Exhibit 11 - Priscilla Correa's Discovery Responses

Exhibit 12 - Dorian Craig's Discovery Responses

Exhibit 13 - Luis Cruz's Discovery Responses

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Exhibit 14 - Cynthia Elam's Discovery Responses

Exhibit 15 - Eleana Estrada's Discovery Responses

Exhibit 16 - Claudie Foutika's Discovery Responses

Exhibit 17 - Keith Frederick's Discovery Responses

Exhibit 18 - Ramon Herrera's Discovery Responses

Exhibit 19 - Alexandra Jean's Discovery Responses

Exhibit 20 - Ezechiel Jean's Discovery Responses

Exhibit 21 - George Jones' Discovery Responses

Exhibit 22 - Kevin Marin's Discovery Responses

Exhibit 23 - Maritza Miranda's Discovery Responses

Exhibit 24 - Elsie Marie Mitchell's Discovery Responses

Exhibit 25 - Miguel Nolasco's Discovery Responses

Exhibit 26 - Andres Quiroga's Discovery Responses

Exhibit 27 - Michelle Raynor's Discovery Responses

Exhibit 28 - Mohammed Rehman's Discovery Responses

Exhibit 29 - Evelyn Stefos' Discovery Responses

Exhibit 30 - Terri Teeling's Discovery Responses

Exhibit 31 - Lian Valdivieso's Discovery Responses

Exhibit 32 - Natalie Vega's Discovery Responses

Exhibit 33 - Tony Yancey's Discovery Responses

We note for the Court that opt-in plaintiffs Jean Zamor and Devin Curwen have not yet served Fidelis with their discovery responses. We will file those responses with the Court as soon as we receive them. In addition, as reported to Your Honor on September 2, 2009, the parties have jointly submitted a proposed order to Judge Spatt, which would, in effect, dismiss the following individuals from the collective action: (1) Manuel Andrade, (2) Solomon Boyd, (3) Maria Guzman, (4) Nicole Henville, (5) Leticia Martinez, (6) Jian Hui Ng, (7) Jacqueline Penfold, (8) Claire Prempin, (9) Patrick Salvodon, (10) Amy Schaefer and (11) Christopher

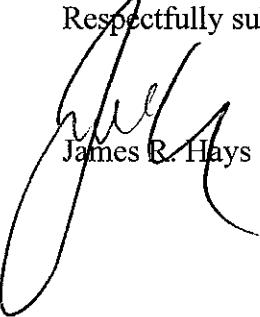
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Tennant. To the extent that Judge Spatt enters the parties' proposed order, Fidelis would no longer seek to depose these individuals. In any event, these opt-in plaintiffs have not produced discovery responses to date.

Respectfully submitted,



James R. Hays

Enclosures

cc: Peter Romero, Esq. (via ECF, PDF and first class mail w/o enclosures)